

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CONNER ANTHONY HATHAWAY,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CASE NO. C22-0567JHC

ORDER REFERRING MOTION

This matter comes before the Court on Plaintiff Conner Anthony Hathaway's motion to appoint counsel. Dkt. # 8. Plaintiff is currently proceeding *pro se* and *in forma pauperis* ("IFP") in this action. See Dkt. # 4.


On April 27, 2022, Mr. Hathaway filed this action against the United States of America as a *pro se* litigant. Dkt. #5. On June 1, 2022, the Court dismissed Mr. Hathaway's complaint without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B) and granted him leave to amend his complaint within fourteen days of the order. Dkt. # 7. On June 13, 2022, Mr. Hathaway filed a Motion for Extension, requesting an additional 21 days to amend his complaint. Dkt. #8. In the motion, Mr. Hathaway included a section entitled, "Application for Court Appointed Counsel:

1 Merits of Claim,” which this Court construes as a motion for appointment of counsel. *See*
2 *McGuckin v. Smith*, 974 F.2d 1050, 1055 (9th Cir. 1992) (explaining that the Court must
3 construe *pro se* pleadings liberally). The Court granted Mr. Hathaway an extension until July 6,
4 2022 to file his amended complaint. Dkt. # 9.

5 This District has implemented a plan for court-appointed representation of civil rights
6 litigants. The plan currently in effect requires the Court to assess a plaintiff’s case before
7 forwarding it to a *pro bono* screening committee for further review and a possible appointment
8 of *pro bono* counsel. *See* General Order No. 16-20, Section 3(c) (Dec. 8, 2020). The Court
9 assesses the plaintiff’s case to determine that it is not frivolous and that the plaintiff is financially
10 eligible. *Id.* Plaintiff’s submissions satisfy the court that there is an adequate basis to refer his
11 case to the Screening Committee. Dkt. # 4 (Order granting Mr. Hathaway leave to proceed IFP);
12 Dkt. #7 (“Mr. Hathaway does allege facts that may sufficiently plead a *Bivens* action, *see, e.g.,*
13 *Carlson v. Green*, 446 U.S. 14 (1980), and therefore his complaint should not be dismissed with
prejudice.”).

14 Under Section 3(c) of the District’s *pro bono* plan, the Court DIRECTS the Clerk of the
15 Court to forward the operative complaint (Dkt. # 5), the motion to appoint counsel (Dkt. # 8),
16 and the pleadings and documents filed to date to the Screening Committee. *See* General Order
17 No. 16-20, Section 3(c). The Court ORDERS the Screening Committee to review the case and
18 make a recommendation to the Court in accordance with the *pro bono* plan and the rules for the
19 *pro bono* panel on or before July 15, 2022. *See id.*, Section 3(f). The Clerk shall RENOTE Mr.
20 Hathaway’s motion to appoint counsel (Dkt. # 8) for July 15, 2022, pending the Screening
21 Committee’s recommendation as to whether the Court should appoint counsel. *See id.*
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2 Dated this 15th day of June, 2022.

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4 JOHN H. CHUN
5 United States District Judge
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